

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

WILLIAM STEFANIAK and *
JANICE STEFANIAK, *
Plaintiffs *

CIVIL ACTION NO. 05-11465 LTS

v. *

VOYAGER III, LLC and *
WATER TRANSPORTATION *
ALTERNATIVES, INC. *
Defendants. *

PLAINTIFF'S MOTION TO SUBSTITUTE PARTIES

Pursuant to Fed.R.Civ.P. 25(a)(1), the Plaintiff, WILLIAM STEFANIAK, respectfully requests that he, as duly appointed Executor of Janice Stefaniak's estate (*see* Certificate of Appointment, Exhibit 1), be substituted for the Plaintiff, JANICE STEFANIAK, who died on December 10, 2006. *See* Suggestion of Death and Certificate of Death filed on January 18, 2007 as Document No.s 21-1 and 21-2 respectively.

PLAINTIFFS' LOCAL RULE 7.1(A)(2) CERTIFICATION

Insofar as LR7.1(A)(2) is applicable, I, David B. Kaplan, counsel for the Plaintiff in the above entitled matter, state that I have attempted to narrow the issue pled herein.

Respectfully submitted,
WILLIAM STEFANIAK,
By his attorney,

/s/ David B. Kaplan

DAVID B. KAPLAN, B.B.O. No. 258540

THE KAPLAN/BOND GROUP

88 Black Falcon Avenue, Suite 301

Boston, MA 02210

(617) 261-0080

Dated: June 22, 2007

I hereby certify that a true copy of the above document was served upon each attorney of record by ECF on June 22, 2007.

/s/ David B. Kaplan

Commonwealth of Massachusetts

The Trial Court

Worcester

Division

Probate and Family Court Department

Docket No. 07P0662 EPI

Probate of Will With/Without Sureties

Name of Decedent Janice R. StefaniakDomicile at Death 12 North Street Leominster Worcester 01453
(Street and No.) (City or Town) (County) (zip)Date of Death December 10, 2006Name and address of Petitioner(s) William S. Stefaniak 12 North Street, Leominster, 01453Status Husband

Heirs at law or next of kin of deceased Including surviving spouse:

Name	Residence (minors and incompetents must be so designated)	Relationship
William S. Stefaniak	12 North Street, Leominster, 01453	Husband
Angela Lorraine Stefaniak	12 North Street, Leominster, 01453	Daughter
Erik Frank Stefaniak	12 North Street, Leominster, 01453	Son
Sharon M. Holt	152 Olin Avenue, Fitchburg, 01452	Sister

That said deceased left a will - and codicil(s) - herewith presented, wherein your petitioner(s) is/are named execut or and wherein the testat ix had requested that your petitioner(s) be exempt from giving surety on his/her/their bond(s).

☒ The petitioner(s) hereby certifies that a copy of this document, along with a copy of the decedent's death certificate has been sent by certified mail to the Division of Medical Assistance, P.O. Box 15205, Worcester, Massachusetts 01615-9906.

Wherefore your petitioner(s) pray(s) that said will - and codicil(s) - may be proved and allowed, and that he/she/they be appointed execut thereof, with/without surety on his/her/their bond(s) and certify under the penalties of perjury that the statements herein contained are true to the best of his/her/their knowledge and belief.

Date February 26, 2007Signature(s) William S. Stefaniak

The undersigned hereby assent to the foregoing petition and to the allowance of the will without testimony.

DECREE

All persons interested having been notified in accordance with the law or having assented and no objections being made thereto, it is decreed that said instrument(s) be approved and allowed as the last will and testament of said deceased, and that said petitioner(s): William S. Stefaniak
of 12 North Street, Leominster, Worcester County 01453
and _____ of _____

_____ be appointed execut or _____ thereof, first giving bond with out _____ sureties for the due performance of said trust.

Date June 20, 2007.

Joseph L. Hart, Jr.
JUDGE OF THE PROBATE AND FAMILY COURT

c.g.f.

Date: June 21, 2007

I, the undersigned, hereby certify, that I am the Register of Probate of the Worcester County Division of the Trial Court Department; Commonwealth of Massachusetts; that as such I have custody of the records of said Court; and I do further certify that the foregoing is a photographic copy of a decree of appointment of fiduciary; that said fiduciary has given bond as required by law; and that said appointment remains in full force.

Witness, my hand and seal of the PROBATE AND FAMILY COURT DEPARTMENT of the COMMONWEALTH OF MASSACHUSETTS at WORCESTER.

Stephen G. Alban
Register of Probate